



~~November 19, 2002 CPC~~
~~February 18, 2003 CPC~~
~~May 20, 2003 CPC~~
June 18, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0159

Verizon Wireless

Matoaca Magisterial District
Northwest quadrant of River and Trents Bridge Roads

REQUEST: Conditional Use Planned Development to permit a communications tower plus height and setback exceptions in an Agricultural (A) District.

PROPOSED LAND USE:

Antennae for cellular communications and associated improvements are planned. Specifically, co-location of antenna on an existing 225 foot utility tower, erected in 1957, is proposed.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION ON PAGE 2 AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. This request is not in compliance with the Public Facilities Plan which suggests that communications towers should generally be located away from existing or planned areas of residential development. The request property lies in an area designated by the Southern and Western Area Plan for residential development and is directly adjacent to, and in close proximity of, existing residential development.

- B. The request is not in compliance with the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations which suggest that if a tower is to be located in the vicinity of residential areas, it should either be architecturally incorporated in the design of an existing structure, such as a church or office building; possess design features that mask the utilitarian nature of the tower; or be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. A more remote location would be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(CPC) In conjunction with the granting of this request, the following exceptions shall be granted:

- A. An eleven (11) foot exception to the 100 foot front yard setback requirement; and
- B. A seventy-five (75) foot exception to the 150 foot height limitation in an Agricultural (A) District. (P)

PROFFERED CONDITIONS

The property owner/applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner/applicant, the proffers shall immediately be null and void and of no further force or effect.

- (CPC) 1. The tower and equipment shall be designed and installed so as not to interfere with the Chesterfield County Communications System. Prior to attaching its antennas onto the existing tower, the owner/developer shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of an electrical permit, the study if required, shall

be submitted to and approved by, the Chesterfield County Communications and Electronics staff. (GS)

- (CPC) 2. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)
- (CPC) 3. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)
- (CPC) 4. There shall be no signs permitted to identify this use. (P)
- (CPC) 5. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and permanent accessory ground mounted equipment or structures from adjacent properties as provided in Condition 7 below. Prior to attaching its antennas on the existing tower, the owner/developer shall submit a detailed plan depicting this requirement to the Planning Department for approval. (P)
- (CPC) 6. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment; provided, however, that nothing contained herein shall require the screening of the tower or tower-mounted equipment. (P)
- (CPC) 7. Supplemental landscaping between the permanent shelter and the southern and eastern property boundaries of the property shall be provided as shown on Sheet L-1 of the conceptual plan entitled "Lake Chesdin Co-Locate Existing 215' Self-Support Tower, 10501 River Road, Matoaca, VA, Chesterfield County", prepared by Clark Nexsen dated September 13, 2002 and filed with this request. (P)
- (CPC) 8. Lighting during daylight hours shall be limited to medium intensity strobe lights with upward reflection and lighting during night-time hours shall be limited to soft blinking lights with upward reflection. (P)

GENERAL INFORMATION

Location:

Northwest quadrant of the intersection of River and Trents Bridge Roads. Tax ID 754-624-6621 (Sheet 40).

Existing Zoning:

Agricultural (A)

Size:

3.7 acres

Existing Land Use:

A 225 foot tower and associated improvements

Adjacent Zoning and Land Use:

North - A; Single family residential
South - A, A with Special Exception and R-15; Single family residential
East - A; Single family residential
West - A; Single family residential

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater systems is not required.

ENVIRONMENTAL

Drainage and Erosion:

If the tower installation and construction of associated improvements disturbs more than 2,500 square feet of land, a land disturbance permit will be required.

PUBLIC FACILITIES

Fire Service and Transportation:

The proposed tower and associated equipment will have a minimal impact on fire/rescue services and the existing transportation network.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to increasing the height of the communications tower.

A preliminary review of this tower proposal has indicated that the facility will not interfere with the County's Communications System; however, if this request is approved, a condition should be imposed to insure that the tower is designed and constructed so as not to interfere with the County's Communications System (Proffered Condition 1). In addition, once the tower is in operation, if interference occurs, the owner/developer should be required to correct any problems. (Proffered Condition 2)

COUNTY AIRPORT

A preliminary review of this tower proposal has indicated that, given the approximate location and elevation of the proposed installation, it appears the tower will not adversely affect the Chesterfield County Airport.

LAND USE

Comprehensive Plan:

The request property lies within the boundaries of the Southern and Western Area Plan which suggests the property and surrounding area are appropriate for residential use of 1 to 5 acre lots.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications uses should be located in areas so as to minimize impacts on existing and future areas of development and to reduce impacts on adjacent planned or existing residential development in industrial, commercial or remote areas. In addition, the Plan suggests that communications towers should be generally located away from areas of high visibility or otherwise be designed to minimize the visual impact.

Area Development Trends:

The request property is located in an area characterized by single family residences located along River Road and in Westfield, Flintshire, Chesdin Park and Trents Farm Subdivisions. It is anticipated that properties in the vicinity of the request site will continue to be developed for residential uses as suggested by the Southern and Western Area Plan.

Zoning History:

An application is pending for a Conditional Use Planned Development to permit the applicants to locate a cell on wheels (COW) mobile trailer with a temporary guyed tower on the request property for one (1) year (Case 02SN0217). At their meeting on October 15, 2002, the Commission recommended approval of Case 02SN0217. The Board of Supervisors' will consider the request for the COW (Case 02SN0217) at their meeting on November 26, 2002.

Site Design and Architecture:

As noted herein, a 225 foot tower exists on the request property. The applicant intends to locate private cellular antennae on the existing tower. The existing tower was constructed in 1957. The tower is a non-conforming use and cannot be expanded or structurally altered without a Conditional Use.

The request property lies within an Emerging Growth Development Area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas in order to promote high quality, well-designed projects. Because the request property is zoned Agricultural (A), development is not required to meet the standards for an Emerging Growth Area; however, Proffered Condition 6 requires that architectural treatment of building exteriors and screening of mechanical equipment will be accomplished in accordance with Ordinance requirements. (Proffered Condition 6)

Dwellings within 2,000 feet of the tower are shown on the attachment. It is important to note that residential structures on this map were placed according to aerial photographs taken in 1994 and therefore may not fully represent all the structures in the area. As such, the request property does not conform to the tower siting criteria. The County guidelines suggest that towers should be located as remotely as possible from existing or planned areas of development or other high visibility areas. Typically, such placement would be in the vicinity of stream beds or Resource Protection Areas (RPA) that generally define the edge of future residential developments. These wooded areas provide appropriate separation and screening from future residential neighborhoods. Insufficient mature vegetation exists on the request property to provide separation and screening from existing and future residential development.

Further, where allowed in residential areas, provision of adequate buffers consisting of mature vegetation has been required. The proposal does not conform to this criteria. While the policy suggests that co-location on existing structures may be appropriate, the guidelines also suggest that towers should be located away from existing or planned areas of residential development and high visibility areas such as major roads and that the view of the towers from these areas should be minimized. The criteria suggests that wooded areas provide appropriate separation and screening from future residential neighborhoods. In this case, the request site lacks sufficient vegetation or topographical features to provide screening or mitigate views of

the tower from these identified resources. In fact, the existing tower is located so close to existing roadways and adjacent residential development, an exception is requested to the minimum setback requirements from River Road to accommodate the existing equipment building (Condition). A more remote location would be appropriate.

Consistent with past actions on similar facilities to ensure that the tower does not become a maintenance problem or an eyesore, if approved, the tower should be removed at such time that it ceases to be used for communications purposes. (Proffered Condition 3)

Access to the tower site would be provided via an existing gravel drive from River Road. Consistent with past actions on similar facilities, if this request is approved, the base of the tower should be secured with a fence to discourage trespassing. (Proffered Condition 5)

Similarly, Proffered Condition 4 prohibits signs to identify the use. These typical standards will not assist in mitigating the visual impact of the existing tower.

Lighting:

Traditionally, tower height has been restricted in residential areas to approximately 199 feet because the FAA normally does not require towers to be lighted which are less than 200 feet in height. The Siting Policy suggests that towers should not be lighted, especially in residential areas. The existing 225 foot tower on which the applicants propose to locate their antennae is lighted. The existing lighting details are shown on Sheet C-3 (Elevation View) of the plan prepared by Clark Nexsen entitled "Lake Chesdin Co-Locate Existing 215' Self-Support Tower" which is attached herewith. According to the applicants, the existing tower lighting is sufficient and will not be supplemented with additional lighting. Proffered Condition 8 provides that lighting during daylight hours will be limited to medium intensity strobe lighting with upward reflection and lighting during night-time hours will be limited to soft blinking lights with upward reflection, as suggested by the County's tower siting policy where towers are allowed through the Conditional Use to be lighted (Proffered Condition 8).

Buffers and Screening:

The request property is located within an area designated by the Plan for future residential development and is in a highly visible area. The County's siting criteria suggests that the tower should be located as remotely as possible from such high visibility areas and away from existing and/or planned residential development. The siting criteria provides that typically such tower placement should be located in a wooded area in the vicinity of stream beds or Resource Protection Areas (RPA) because these wooded areas can offer adequate buffers that will mitigate the view of the tower from high visibility areas. Typically, a minimum 100 foot buffer of mature trees has been required to be maintained around the tower site. Proffered Condition 7 provides that supplemental landscaping will be provided between the permanent equipment shelter and the southern and eastern property boundaries and Proffered Condition 5 provides that supplemental evergreen plantings will be provided to

screen the base of the tower and ground-mounted equipment (Proffered Conditions 5 and 7). This supplemental landscaping will not mitigate views of the 225 foot tower.

CONCLUSIONS

The proposal fails to conform to the Public Facilities Plan and the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations.

The request property lies within the boundaries of the Southern and Western Area Plan which suggests that the property and surrounding area are appropriate for residential development with 1 to 5 acre lots, suited for R-88 zoning. The area surrounding the property has experienced a significant amount of residential development. It is anticipated that this development pattern will continue in accordance with the adopted Plan. The Public Facilities Plan suggests that towers should be located in areas designated on the adopted Plan for general commercial, general industrial and agricultural/forestral use. Specifically, the Plan provides that towers should generally be located away from existing or planned areas of residential, recreational and similar types of development.

The Public Facilities Plan and the Guidelines for Review of Substantial Accord Determination and/or Zoning Approval for Communications Tower Locations indicate that views of towers from existing or planned areas of residential development should be minimized. If located in a high visibility area, the tower should be architecturally incorporated in the design of an existing structure, such as a church or office building, or possess design features that mask the utilitarian nature of the tower. Otherwise, the tower should be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. The existing tower is located approximately 135 feet from Trents Bridge Road and eighty-nine (89) feet from River Road. There are a significant number of dwellings in proximity of the tower.

Given these considerations, denial of the request is recommended.

CASE HISTORY

Planning Commission Meeting (11/19/02):

At the applicant's request, the Commission deferred this case to February 18, 2003.

Staff (11/20/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than December 16, 2002, for consideration at the Commission's February 18, 2003, public hearing. The applicant was also advised that a \$140.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (1/9/03):

The \$140.00 deferral fee was paid.

Staff (1/27/03):

To date, no new or revised information has been submitted.

Planning Commission Meeting (2/18/03):

This case was deferred for sixty (60) days at the applicant's request and thirty (30) days at the Matoaca District Commissioner's request for a total of ninety (90) days to the May 20, 2003, public hearing.

Staff (2/18/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than March 17, 2003, for consideration at the Commission's February 18, 2003, public hearing. The applicant was also advised that a \$140.00 deferral fee must be paid prior to the Commission's May public hearing.

Applicant (3/3/03):

The \$140.00 deferral fee was paid.

Staff (4/22/03):

To date, no new or revised information has been submitted.

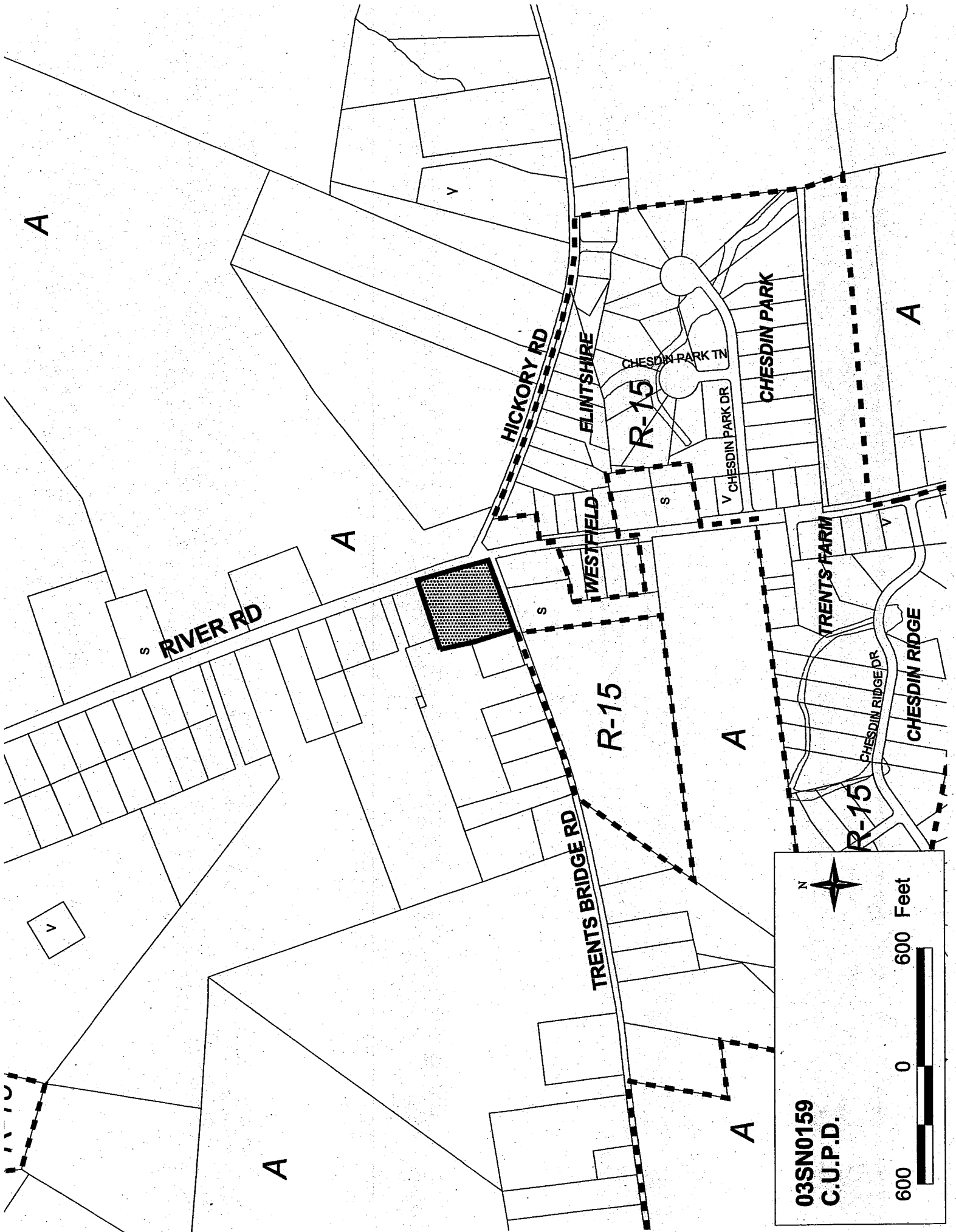
Planning Commission Meeting (5/20/03):

The applicant accepted the Commission's recommendation. There was no opposition present.

Mr. Stack provided that while he would not generally be supportive of expanding non-conforming towers in the vicinity of residential development, he was supportive of this request because there is a need for better service in rural areas. He further provided that there should be a minimal impact on the surrounding residential areas since this tower has existed for so long.

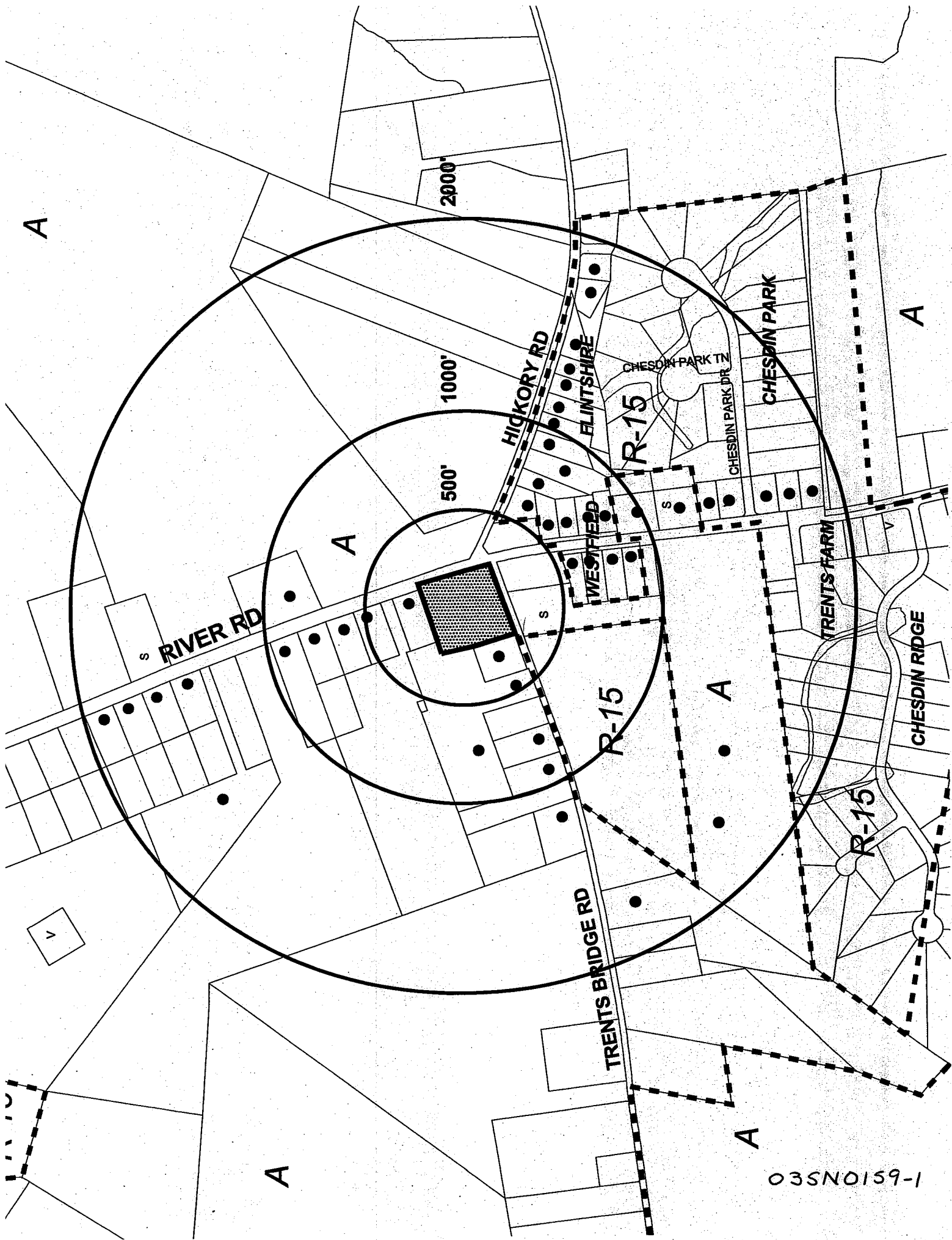
On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval subject to the Condition on page 2 and acceptance of the proffered conditions on pages 2 and 3.

The Board of Supervisors, on Wednesday, June 18, 2003, beginning at 7:00 p.m., will take under consideration this request.

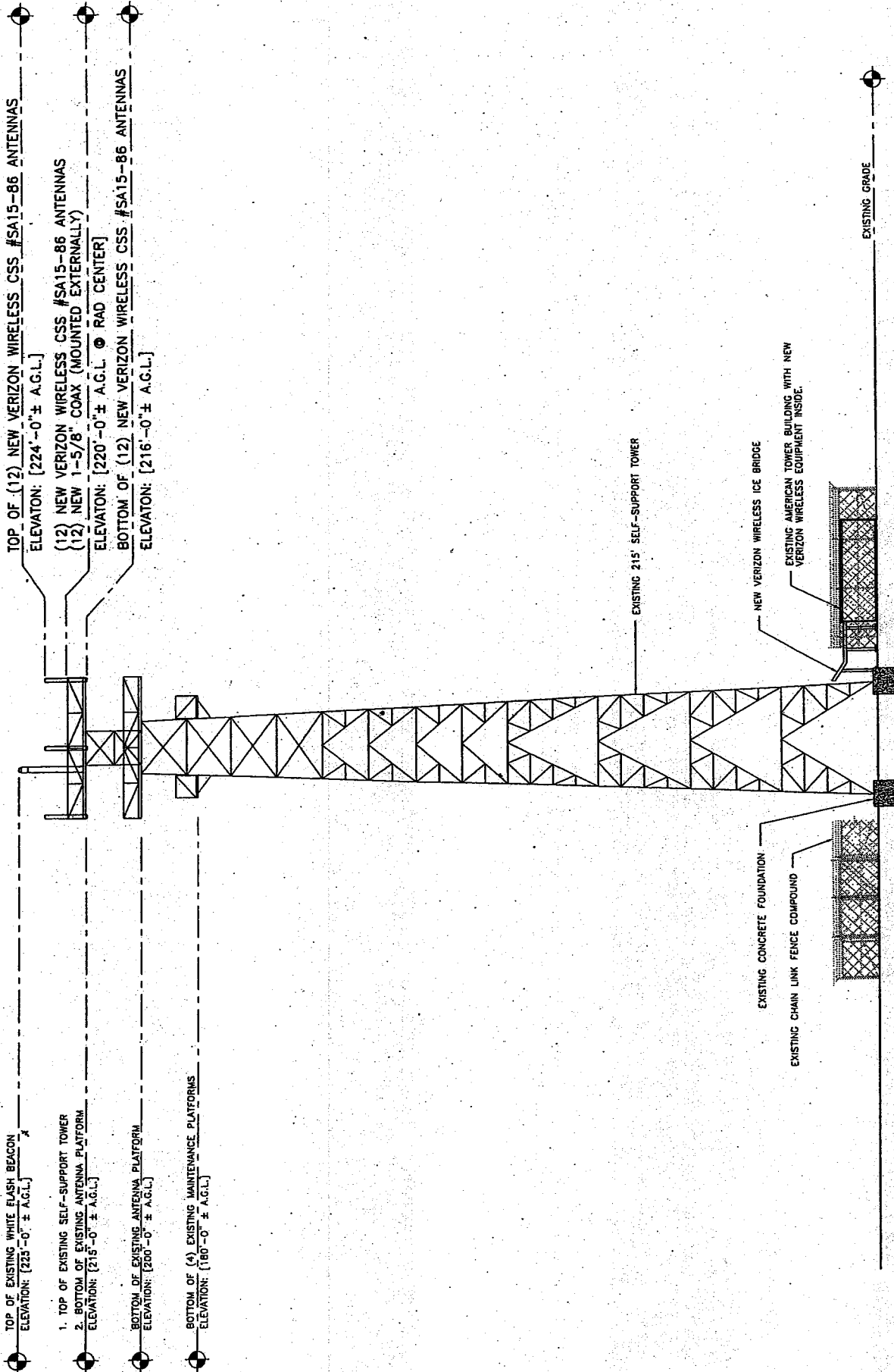


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03SNO159-1



ELEVATION VIEW

03SNOIS9-3